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THUNDER PROPERTIES, INC.
7 AND LVDG, LLC [SERIES 1101]

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 ***

12 BANK OF AMERICA, N.A., SUCCESSOR)
BY MERGER TO BAC HOME LOANS)
13 SERVICING, LP, F/K/A COUNTRYWIDE)
HOME LOANS SERVICING LP,)
14)
Plaintiff,)
15)
vs.)
16)
SOUTHWEST MEADOWS; LVDG LLC)
17 A/K/A LVDG LLC SERIES 1101; THUNDER)
PROPERTIES, INC.; ALESSI & KOENIG,)
18 LLC,)
19 Defendants.)
_____)

Case No. 3:16-cv-00183-MMD-CBC

20 **JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL**

21 COMES NOW, Defendants, THUNDER PROPERTIES, INC. (“*Thunder*”) and LVDG,
22 LLC [SERIES 1101] (“*LVDG*”), and Plaintiff, BANK OF AMERICA, N.A., SUCCESSOR BY
23 MERGER TO BAC HOME LOANS SERVICING, LP, F/K/A COUNTRYWIDE HOME
24 LOANS SERVICING LP (“*BANA*”), by and through their undersigned counsel, and hereby
25 jointly move this Court to extend the time to file a Notice of Appeal in this matter, stating as
26 follows:

- 27 1. On March 25, 2019, after a hearing of the same date, this Court entered a Minute
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Order granting Plaintiff's Renewed Motion for Partial Summary Judgment. [ECF #87].

2. On the same date, a Judgment was entered. [ECF #88].

3. On April 2, 2019, BANA filed a Notice of Voluntary Dismissal Without Prejudice related to its claims against Defendant, Alessi & Koenig, LLC.

4. The Notice of Voluntary Dismissal dated April 2, 2019, served to adjudicate the remainder of the outstanding claims in this case and rendered this Court's judgment final.

5. Since the entry of the final judgment, Thunder, LVDG and BANA have been attempting to negotiate the terms of an amicable settlement of all claims at issue between them in this matter. The Defendants have presented an offer which is presently being considered by BANA.

6. The current deadline to file a Notice of Appeal is May 2, 2019.

7. The parties desire to further discuss an amicable resolution before incurring the costs associated with an appeal.

8. Fed. R. App. P. 4 provides in pertinent part as follows:

(5) Motion for Extension of Time.

(A) The district court may extend the time to file a notice of appeal if:

(i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and

(ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

(B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be ex parte unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

9. Pursuant to Fed. R. App. P. 4, Thunder, LVDG and BANA respectfully request that this Court enter an Order extending the deadline to file a Notice of Appeal herein until (a) June 3, 2019 (because June 1, 2019 falls on a Saturday); or (b) 14

days after an Order granting this Motion is entered, whichever is later.

10. This Motion is made in good faith and not for purpose of delay.

Dated this 22nd day of April, 2019.

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IT IS SO ORDERED

By: 
Judge, U.S. District Court

Dated: April 22, 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of April, 2019, I served via the United States District Court CM/ECF electronic filing system, the foregoing **JOINT MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL** to the following parties:

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